



## *Report to the Auburn City Council*

Action Item

Agenda Item No.

City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Reg Murray, Senior Planner *[Signature]*  
**Date:** February 28, 2011  
**Subject:** Baltimore Ravine Specific Plan and Study Areas Project –  
Files GPA 07-3; SPA 07-1; RE 07-1; SUB 07-2; DA-07-1

### *The Issue*

Should the Auburn City Council approve the Baltimore Ravine Specific Plan (BRSP) and Study Area project proposed for the 406-acre Urban Reserve area situated in southwest Auburn? Approval of the proposal includes certification of the project Environmental Impact Report (composed of the Draft and Final EIRs); adoption of the Mitigation Monitoring Program and the Findings of Fact and Statement of Overriding Considerations; adoption of a Specific Plan (the BRSP); adoption of a General Plan Amendment; approval of a Rezone; approval of a Large Lot Tentative Map; approval of a Development Agreement; and adoption of Statement of Reasons for Permitting Development within a Mineral Resource Zone.

### *Conclusions and Recommendation*

The Auburn Planning Commission recommends that the Auburn City Council take the following actions relating to the Baltimore Ravine Specific Plan and Study Areas Project:

- A. By Resolution, take the following actions regarding the environmental document prepared for the Baltimore Ravine Specific Plan and Study Area Project:
  - a. Certify the Environmental Impact Report prepared for the Baltimore Ravine Specific Plan and Study Area project;
  - b. Adopt the Findings of Fact and Statement of Overriding Considerations; and
  - c. Adopt the Mitigation Monitoring Program.
- B. By Resolution, approve the General Plan Amendment associated with the Baltimore Ravine Specific Plan and Study Area Project (File GPA 07-3).
- C. By Resolution, approve the Baltimore Ravine Specific Plan and Study Area Project (File SPA 07-1).

- D. By Motion, introduce and hold a first reading, by title only, of an ordinance approving the rezone for Plan Area 1 of the BRSP as well as Study Areas 1-4 of the Baltimore Ravine Specific Plan and Study Areas Project.
- E. By Motion, introduce and hold a first reading, by title only, of an ordinance approving a Development Agreement by and between the City of Auburn and the Baltimore Ravine Investors, LLC.
- F. By Resolution, approve the Large Lot Tentative Map for Plan Area 1 of the Baltimore Ravine Specific Plan (File SUB 07-2) as presented, or as amended by the City Council.
- G. By Resolution, adopt the Statement of Reasons to Permit Development in a Mineral Resource Zone.

### **Background/Analysis**

The Baltimore Ravine Specific Plan (BRSP) and Study Area Project (Project) is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The Auburn Planning Commission held public hearings to review the Project and accept public comment on September 21, 2010 and November 16, 2010. At the November 16<sup>th</sup> hearing, the Commission voted to certify the EIR prepared for the project and approve a Large Lot Tentative Subdivision Map for Plan Area 1 of the Project. The Commission also recommended that the City Council approve several entitlements for the Project, including a General Plan Amendment, Specific Plan, Rezone, Development Agreement, and a Statement of Reasons to Permit Development in a Mineral Resource Zone.

The certification of the EIR and the approval of the Large Lot Tentative Map was appealed by Mark Smith, an Auburn resident. The appeal was considered by the Auburn City Council on Thursday, January 13, 2011, at which time the Council also reviewed the Project as a whole and the recommendations presented by the Planning Commissioner.

After receiving considerable public input regarding both the Project and the appeal, the City Council voted to deny the appeal application. The City Council also voted to continue further discussion on the Project in order to obtain additional information regarding two issues:

- **Auburn Folsom Access Alternatives** - The City Council directed the Planning Commission to consider two alternatives to the Herdal Drive access - Alternative 4, which would connect to Auburn-Folsom Road at Pacific Street; and Alternative 5, which would connect to Auburn-Folsom Road approximately 750 feet south of Pacific Street. Council directed the Commission to recommend which of these two alternatives would provide better access to the BRSP.
- **Newcastle Interchange Mitigation Improvements** - Council also directed staff to initiate discussions with Placer County regarding implementation of Mitigation Measure 5.11-2, which calls for a fee program to fund improvements to the Interstate 80/Newcastle ramp intersection.

## **1. Auburn Folsom Access Alternatives -**

The Planning Commission met on February 1, 2011, to consider the information that staff was developing to assist the Commission in their review of the access alternatives. The Commission took public comment regarding the access alternatives, including comments regarding the Herdal access, as well as letters and input from members of the Sipe family regarding right-of-way acquisition and eminent domain issues possibly affecting their family property in association with Alternatives 4 or 5.

The Planning Commission directed staff to provide information on a number of issues associated with Alternatives 4 and 5, including among other things topography, design, safety, and legal issues such as right-of-way acquisition and eminent domain. The Commission also asked staff to provide a similar review of the Herdal Drive access in order to enable the Commission to compare the Alternative accesses to the Herdal Drive access. The staff report for the February 1<sup>st</sup> hearing is provided as Attachment 1; the minutes of the meeting are provided as Attachment 2.

The Planning Commission held a subsequent public hearing on February 15, 2011. Staff prepared a report for the hearing (see Attachment 3) which provided details about each of the alternatives being considered by the Commission (e.g. descriptions of Alternative 4, 5, and the Herdal access). The report also included an review and analysis of a number of different issues as directed by the Commission. The Commission reviewed the information in the staff report and took comments from the public. The meeting minutes from the February 15<sup>th</sup> hearing are provided as Attachment 4.

The Planning Commission took two actions. First, Alternatives 4 and 5 were compared to each other, and the Commission found that Alternative 4 would provide better access than Alternative 5. The Commission then compared the two access alternatives as well as the Herdal Drive access proposed for the project, and concluded that the Herdal Drive access was clearly superior to both Alternatives 4 and 5 for a number of reasons, including safety issues (e.g. response times), legal concerns, impacts to natural resources, visual concerns, and cost. Following is an excerpt from the Planning Commission minutes where the Commissioners explain their recommendations:

Regarding the comparison of Alternatives 4 and 5:

“The Auburn Planning Commission recommends Alternative 4 to the Auburn City Council, with the explanation that the Planning Commission finds both alternatives unacceptable for the following reasons: (1) The negative impacts to emergency response times; (2) Exposure of the public and safety personnel to unsafe situations associated with: a) the length of the roadway in dense vegetated areas; b) Steep cuts and fill slopes; c) Steep road grades; and d) Increased criminal activity due to greater access to remote areas; (3) The City does not have existing dedicated rights-of-way for either of these two alternatives; (4) Eminent domain would be required to secure the required rights-of-way since private property owners have indicated, quite clearly,

that they would not be willing sellers; and (5) The use of eminent domain would expose the City to potential legal liabilities.”

Regarding the comparison of Alternatives 4, 5, and the Herdal access:

“...when the three accesses are considered, Herdal is clearly superior for many of the same reasons you mentioned. I’m just going to summarize mine: safety issues, disturbance of natural resources, legal difficulties, visual aesthetics. So, we recommend that Herdal be the approved access to the project, from the Planning Commission.”

A summary of some of the key issues reviewed in the staff report and discussed at the Commission hearing are provided below:

a. Legal Issues – The City Attorney’s explanations of the legal issues discussed below are provided in the draft minutes from the February 15, 2011 Planning Commission hearing (see Attachment 4; pg 2).

- i. The City Attorney clarified the legal scope of Council action regarding access (discussed in more detail in confidential memoranda provided to the Planning Commission, and City Council, on February 10, 2011). The applicant owns an easement over the Herdal Drive extension, and he is legally entitled to improve that easement to provide access from his property to Herdal Drive and to connect to Herdal Drive. Consequently, if the Council required that access be provided via Alternative 4 or 5, it would likely be in addition to rather than in place of the Herdal Drive access.

Note - As a result of the City Attorney’s comments regarding the applicant’s access rights to Herdal Drive (i.e. that Alternatives 4 or 5 would likely be in addition to the Herdal access), Staff asked the City’s traffic consultant to review the two access alternatives and comment as to the share of BRSP traffic that might use the alternative routes with the Herdal access also present (see Attachment 5). The traffic consultant’s findings conclude that Alternative 4 would attract 9%-10% of the total site traffic, dropping the Herdal share of traffic from  $\pm 79\%$  to  $\pm 70\%$ . If Alternative 5 were selected, it would attract  $\pm 3\%$  of the total site traffic with Herdal carrying  $\pm 76\%$ .

- ii. The City attorney explained the steps necessary to acquire the right-of-way for Alternative 4 or 5, as both alternatives cross portions of property owned by the Auburn Recreation District and the Sipe family (see the February 15<sup>th</sup> staff report – Exhibit A). The Sipe family has indicated that they do not intend to sell the necessary right of way for the Alternatives being considered, therefore, the City would likely need to acquire the land through eminent domain, which would require that the City make the following findings (Section 1240.030 of the Civil Procedures Code):

- The public interest and necessity require the project;
- The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury; and
- The property sought to be acquired is necessary for the project.

If eminent domain were required to secure any required right-of-way from ARD, the City would need to find that the intended use of the property (i.e. the access) is more necessary than the existing use as parkland. State law assumes that parkland is the best use of land, and the City would need to overcome this presumption. The City would likely need to replace the acquired land on a one-to-one basis.

b. Safety

**Fire Department** - The Fire Chief provided a memo analyzing the potential safety concerns for each of the three alternatives (February 15<sup>th</sup> staff report - Attachment 3). The Fire Chief expressed concern that Alternatives 4 and 5 would present a higher risk to both the public and firefighting personnel due to the length of the access and the circuitous path, higher response times, and routing through undeveloped and heavily vegetated terrain with steep slopes adjacent to the roadway. In addition, the new signal required for Alternative 5 would create additional delays on Auburn Folsom.

The Fire Chief estimated response times for each alternative, including Herdal Drive:

Approximate Response Times		
Origination of Response (Fire Station) and Route of Response	Response Time to Project Area (Minutes:Seconds)	
	Sacramento Station	Maidu Station
Access Alternative #4	5:24	5:39
Access Alternative #5	5:36	5:24
Herdal Drive Proposal	4:12	2:10

In a comparison of Alternatives 4 and 5, the Chief selected Alternative 4 as it presented fewer impacts. When comparing Alternatives 4, 5 and the Herdal Drive access, the Chief selected the Herdal access due to direct access, reasonable response times, access through existing developed areas, and no inhibitors such as road grades and curves.

**Police Department** - The Police Chief also addressed potential safety concerns (February 15<sup>th</sup> staff report - Attachment 4). The Police Chief stated that opening up the area with either Alternative 4 or 5 would increase potential access onto private land and UPRR property, increasing possibilities for illegal camping and campfires,

exposure to human waste, illegal dumping, safety conflicts with the UP rail lines, and enticement for skateboarders.

The Police Chief recommends avoiding access by either Alternative 4 or 5, and recommends Herdal Drive as the access route for the project as it provides more direct access, minimizes construction in the UPRR, and reduces the likelihood of additional trespassing and criminal activity.

c. Visual Quality

Alternatives 4 and 5 both include embankments, abutments and bridges which would be visible from Auburn-Folsom Road. Conceptual views were prepared looking north on Auburn Folsom (February 15<sup>th</sup> staff report – Attachments 6 and 7). The road and associated improvements would also be visible from the ARD Rec Park, the Sipe family property, and some residences in the Knollwood and Awali neighborhoods to the north and northwest.

The Herdal Drive extension would place soundwalls along the backyards of existing residences on either side of the right-of-way. For residents to the south, their view generally changes from 6-foot tall wooden fence to a 7-foot tall masonry wall. The properties to the north would experience more substantial changes, as most of the backyards currently have uninterrupted views of the undeveloped right-of-way. Under the proposed project, a 7-foot to 8-foot tall masonry wall would be constructed along the backyards of these lots, restricting views beyond the property line.

In summary, the visual impacts of Alternatives 4 and 5 would be similar because the embankment and bridges would both be visible from Auburn-Folsom Road and surrounding areas. The visual impact of the Herdal Drive extension would generally be less severe than either Alternative 4 or 5 because it would not be visible from a public road or park, though the impact would be more severe for those residents on the north side of the extension because their current views would be replaced by a 7'-8' tall masonry wall.

d. Disturbance of Natural Resources

The site access plan, February 15<sup>th</sup> staff report – Exhibit A, identifies the proposed alignments for Alternatives 4, 5, and the Herdal access. The road alignments are also illustrated on slope maps (February 15<sup>th</sup> staff report – Exhibits B&C).

Alternatives 4 and 5 are very similar and would require extensive cut and fill due to the steep slopes throughout their alignments. The area impacted by cut and fill slopes would be over 250' wide, with fills of up to 80' deep and cuts up to 50' tall. Alternative 4 would displace approximately 14 acres of undeveloped land, almost all of which is dense woodland. Alternative 5 would disturb approximately 13 acres, primarily dense woodland. In contrast, the Herdal access has no significant fills, would not disturb any natural drainages, and would disturb approximately 1.5 acres of land, much of it previously disturb.

The resulting road grades for Alternatives 4 and 5 include significant areas with grades up to 15% (February 15<sup>th</sup> staff report – Exhibits D&E). The maximum grade for the Herdal extension would be 6% for a short portion of the alignment (February 15<sup>th</sup> staff report – Exhibit F). By comparison, the road grade for Auburn Folsom Road, south of Indian Hill Road to the entry of the Vintage Oaks subdivision is 6%-7%, while the entry to the Nevada Street Office project next to the Regal Cinema is 15%.

## **2. Newcastle Interchange Mitigation Improvements**

As noted above, at the January 13<sup>th</sup> hearing, Council directed staff to engage with Placer County in regards to Mitigation Measure 5.11-2, which calls for a fee program to fund improvements to the Interstate 80/Newcastle ramp intersection “if and when the City and County enter into an enforceable, reciprocal agreement for the collection of traffic fees”. City staff met with Placer County public works staff on January 27, 2011. The County stated that the approach identified in the mitigation measure was appropriate, but that there were several factors that would need to be addressed before installing a signal at that location. None of the applicable planning documents identifies a signal at that location, so at a minimum, the Auburn-Bowman Community Plan as well as the County Capital Improvements Plan would need to be amended to include the signal. In addition, Caltrans plans to replace the overpass in the future, so any changes to the intersection would need to be coordinated with that agency. Caltrans would also need to approve an encroachment permit.

City and County staff agreed at the meeting that additional discussion would occur if and when the BRSP and Study Area project is approved and the mitigation measure is adopted. The discussion items were summarized in the attached letter (see Attachment 6) provided to the County following the meeting.

## **3. Other Issues**

- a. Proposed Access Phasing - The Planning Commission asked for clarification of the circulation plan proposed in the BRSP, specifically the number and timing of proposed access points. The Project provides for three (3) access points - Herdal Drive, Werner Road and Perry Ranch Road (emergency access only). These access points would serve Plan Area 1 alone, as well as the full BRSP. Access would be provided as follows:

- **0 to 5 units:** A connection must be provided from Plan Area 1 to Herdal Drive, the primary access, including a bridge over Bloomer Cut. The units to be served would be model homes.
- **6 to 75 units:** Prior to a building permit for the 6<sup>th</sup> dwelling unit, a secondary access would be constructed from Plan Area 1 through Plan Area 2 to Rogers Lane, which connects to Werner Road. Crossing arms would be installed at the

existing at-grade rail road crossing. In addition, a connection would be made from Plan Area 1 to Perry Ranch Road to provide an un-gated emergency access; no improvements would be made to Perry Ranch Road.

- **76+ units:** Prior to a building permit for the 76<sup>th</sup> dwelling unit, the Herdal-Werner Connector must be completed, providing an east-west connection from Herdal Drive to Werner Road. At that time, project access to Rogers Lane would be restricted.
- b. Subsequent Approvals - At its meeting on January 13, 2011, the City Council discussed the subsequent approvals and the levels of review for Plan Area 1, Plan Area 2 and the Study Areas. The table below, which assumes approval of the BRSP project, identifies the approvals necessary for each plan area and the study areas, as well as the reviewing bodies. A brief discussion regarding the subsequent approvals follows the table.

<b>BRSP and Study Areas - Subsequent Approvals</b>				
<b>Approval</b>	<b>Plan Area 1</b>	<b>Plan Area 2<sup>a</sup></b>	<b>Study Areas<sup>b</sup></b>	<b>Public Hearing</b>
<b>General Plan Amendment (Designation)</b>		X		PC & CC
<b>Specific Plan Amendment (Design Guidelines, Development Standards at a minimum)</b>		X		PC & CC
<b>Rezone</b>		X		PC & CC
<b>Incorporate UHDR zone in Ordinance</b>		X		PC & CC
<b>Development Agreement</b>		X		PC & CC
<b>Large Lot Map</b>		X	X	PC & CC
<b>Small Lot Tentative Map</b>	X	X	X	PC
<b>Tree Permit</b>	X	X	X	PC
<b>Improvement Plans</b>	X	X	X	Staff
<b>Encroachment Permit</b>	X	X	X	Staff
<b>Building Permit</b>	X	X	X	Staff
<b>Project-level CEQA Analysis</b>			X	

Notes:

- Assumes proposed land uses consistent with BRSP and EIR assumptions. If deviations proposed, additional analysis and approvals would be required.
- Assumes proposed land uses consistent with zoning and EIR assumptions, and that property is subdivided.

PC – Planning Commission                      CC – City Council

**Plan Area 1** would require approval of Small Lot Tentative Maps, Tree Permits, Improvement Plans, Building Permits, and Encroachment Permits. The Planning Commission would approve the Small Lot Tentative Map and Tree Permit, which require public hearings, while City staff would approve the Improvement Plans, Building Permits, and Encroachment Permits.



**Plan Area 2** would require public hearings with both the Planning Commission and City Council in order to approve any General Plan Amendments, Rezoning, the addition of the UHDR zone to the Zoning Ordinance, Development Agreements, and amendments to the Specific Plan (BRSP). If these actions are approved, the Planning Commission would then need to approve the Large Lot Tentative Map, Small Lot Tentative Map and Tree Permit. City staff could then approve Improvement Plans, Building Permits, and Encroachment Permits.

**Study Areas 1-4** would require project-specific CEQA analysis, Small Lot Tentative Maps, and Tree Permits, all of which would require review and approval at public hearings held by the Planning Commission. The proposal would need to be consistent with the proposed rezone to 2-acre minimum residential lots. City staff would then be responsible for approving Improvement Plans, Building Permits, and Encroachment Permits.

- c. Land Use and Zoning – Questions have been raised previously about the number of units that could be built in the Baltimore Ravine area. As noted above, the land use designation for the 406-acre project area is Urban Reserve (UR). The UR designation was placed on the Baltimore Ravine area with the 1979 General Plan update. The General Plan requires the approval of a specific plan to effectuate a change to that land use designation. The underlying zoning for the property, which was in place at the time the UR designation was applied to the Baltimore Ravine area, includes a mix of Single-family residential (R1-10), Agricultural Residential, and Mineral Extraction (ME).

Assuming that the UR designation was to be removed from the Baltimore Ravine area, the underlying zoning would provide for the potential development of 1,050 dwelling units, including 685 units in the BRSP area and 365 units in the four Study Areas. A total of 394 units would be possible for Plan Area 1, with a total of 291 units for Plan Area 2. The possible units for the Study Areas break down as 29, 60, 82, and 194 for Study Areas 1-4, respectively.

### Additional Information

Copies of all documents referenced in this report are maintained by, and are available for review in, the Auburn City Clerk's Office at 1225 Lincoln Way, as well as posted on the City's website: [www.auburn.ca.gov](http://www.auburn.ca.gov). Please contact (530) 823-4211 ext 112 with questions.

### ATTACHMENTS

1. Planning Commission Staff Report – February 1, 2011
2. Draft Planning Commission Meeting Minutes – February 1, 2011
3. Planning Commission Staff Report – February 15, 2011
4. Draft Planning Commission Meeting Minutes – February 15, 2011
5. Letter from KD Anderson dated February 17, 2011
6. City Memo to Placer County Public Works dated February 18, 2011

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**EXHIBITS**

- A. Resolution – Certification of EIR (Draft EIR + Final EIR); Findings of Fact and Statement of Overriding Considerations; and Mitigation Monitoring Program for the Baltimore Ravine Specific Plan and Study Areas Project
- B. Resolution – General Plan Amendment for the BRSP, Plan Area 1, and Study Areas
- C. Resolution – Baltimore Ravine Specific Plan (plus Addendum dated July 7, 2010)
- D. Ordinance – Rezone for BRSP Plan Area 1 and Study Areas 1-4
- E. Ordinance – Development Agreement with Baltimore Ravine Investors LLC for BRSP Plan Area 1
- F. Resolution – Large Lot Tentative Map for Plan Area 1
- G. Resolution – Statement of Reasons to Permit Development in a Mineral Resource Zone